

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.126/2011

Subject: Short Term Open Access/Transmission Charges of Uttar Pradesh payable by the Petitioner for utilizing the transmission network of the State of Uttar Pradesh while availing inter-State Short Term Open Access through Bilateral Transactions.

Date of hearing 31.5.2011

Coram : Dr. Pramod Deo, Chairperson
Shri S. Jayaraman, Member
Shri V.S. Verma, Member and
Shri M.Deena Dayalan, Member

Petitioner: M/s NOIDA Power Company Ltd., NOIDA

Respondents:

1. U. P. Power Transmission Corporation Ltd., Lucknow
2. Chief Engineer (Power System), U. P. Power Transmission Corporation Ltd., Lucknow
3. Chief Engineer (Operations), U. P. Power Transmission Corporation Ltd., Lucknow
4. Uttar Pradesh Power Corporation Ltd., Lucknow
5. Northern Regional Load Despatch Centre (NRLDC), New Delhi

Parties present: Sh. Vishal Gupta, Advocate for the petitioner

RECORD OF PROCEEDINGS

This petition has been filed under Sections 79(1)(c) of the Electricity Act, 2003 seeking a direction to Northern Regional Load Despatch Centre (NRLDC) to charge the short term open access/transmission charge for Uttar Pradesh @ ₹ 50/MWh instead of ₹ 80/MWh from the petitioner for all inter-State open access bilateral transaction and to levy such charges strictly in accordance with the tariff order passed by Uttar Pradesh State Electricity Regulatory Commission (UPERC). The petitioner has also sought the following reliefs:

- (a) Pass appropriate orders directing the Respondents No. 1, 2, 3 and 4 to correctly intimate the applicable rate of Short Term Open Access/Transmission Charge for Uttar Pradesh i.e. ₹ 50/MWh, to the Respondent No. 5.

- (b) Pass appropriate orders directing the Respondents to refund the excess amount to the tune of ₹ 2,27,97,768/- (Rupees Two crores twenty seven lakhs ninety seven thousand seven hundred and sixty eight only) which has been arbitrarily and unlawfully charged by the Respondent No. 5 since 1.10.2009 till 30.4.2011 along with interest @ 18% per annum.
2. After hearing the learned counsel for the petitioner, the Commission admitted the petition and directed the petitioner to serve copies of the petition on the respondents by 13.6.2011, if not already done. The respondents were directed to file the reply latest by 24.6.2011 with advance copy to the petitioner who may file rejoinder, if any, on or before 6.7.2011.
4. The petition is posted for hearing on 12.7.2011.

Sd/-
(T. Rout)
Joint Chief (Law)